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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 18 2002

APPLICANT: SAM F. LIPRIE

SERIAL NUMBER: 09/681,303

FILED: March 15, 2001

FOR: FLEXIBLE SOURCE WIRE FOR  
RADIATION TREATMENT OF  
DISEASES)  
)  
) Group Art Unit:  
) 3641  
)  
) Before the Examiner:  
) Jack Keith  
)

GROUP 3600

ELECTION WITH TRAVERSEAssistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated January 16, 2002, Applicant provisionally makes the following election. However, the Applicant traverses the election requirement as being unnecessary and somewhat off-point. The Applicant notes that NONE of the presently presented claims, independent or dependent, require specific materials for housing tubes or for thin-walled neutron permeable materials. The claims also do not require specific percentages of alloy materials. Thus, the Applicant calls into question the Examiner's need to specify particular materials and particular constituent percentages of those materials where such parameters are not subject requirements of any of the claims.

I certify that this correspondence is being transmitted via Facsimile to the Commissioner of Patents and Trademarks, Washington, D.C. at Facsimile No. (703) 872-9326, TC Group 3600, Art Unit 3641 on March 18, 2002.

09/681303

March 18, 2002  
(Date of Transmission)H.M. Beddingfield  
Name of person transmitting paper

Signature

March 18, 2002  
Date

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The Applicant's Election transmitted via facsimile on November 29, 2001 is maintained (hence incorporated by reference) with the above traverse noted. With reference to the Examiner's notice of non-compliance dated 1/16/02 (noted deficiency of paragraph 1(a)), the Applicant notes that the Examiner asks for an election of a particular percentage of a nickel titanium alloy. However, the Examiner has not specified what type of percentages he would require (e.g., atomic percentage, percentage by weight). Thus, the Applicant provides (as a provisional election) an exemplary nickel-titanium alloy, of roughly an equal atomic percentage of nickel and titanium.

With reference to the Examiner's noted deficiency at paragraph 1(b), the Applicant notes that the previously made election is proper, the specification openly providing exemplary materials which may be thin walled and neutron permeable. The Applicant urges the Examiner to look again at the claim language, which states that the material should be thin walled and neutron permeable.

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The Examiner also states that there is no difference between the source wire of Figure 3 and that of Figure 2. Review of the Figures clearly shows a structural difference. The Examiner has asked for Election of Species between Figures 1, 2 and 3, and the Applicant believes he has complied in every way possible. If the Examiner maintains that more is required, the Applicant's respectfully request a telephone conference so that prosecution may move forward.

The applicant respectfully requests reconsideration and examination on the merits. If there are any charges with respect to this submission or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the Applicant's attorneys.

Respectfully Submitted,  
**SAM F. LIPRIE**

**CANTOR COLBURN, LLP**  
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